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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,106	01/11/2002	Li Mo	131105.1003	8105
32914 7590 04/01/2011 GARDERE WYNNE SEWELL LLP INTELLECTUAL PROPERTY SECTION 3000 THANKSGIVING TOWER 1601 ELM ST DALLAS, TX 75201-4761			EXAMINER TSEGAYE, SABA	
			ART UNIT 2467	PAPER NUMBER
			MAIL DATE 04/01/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/044,106

**Applicant(s)**

MO ET AL.

**Examiner**

SABA TSEGAYE

**Art Unit**

2467

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-10, 12-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 6-10, 12, 18 and 19 is/are allowed.
- 6) ☒ Claim(s) 13-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action is in response to the amendment filed 03/13/11. Claims 1-4, 6-10, 12-16 and 18-20 are pending. Claims 1-4, 6-10, 12, 18 and 19 are allowed.

#### **Claim Rejections - 35 USC § 103**

2. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Squire et al. (US 7,139,838 B1) in view of Salama et al. (US 2009/0052457 A1).

Squire discloses a method for filtering and distributing routes to sites in a virtual private network, the routes being used by a router to forward packets (column 2, lines 50-67; column 3, lines 29-41), comprising:

receiving a plurality of routes each having a route distinguisher (ID), a rout target (destination address) and a next hop routing information (...point-to-point peering relationships used to exchange database information by using an appropriate header to the external peer...[Fig. 3, steps 128-130; 106-110; 112-114]; column 5, lines 5-15; column 4, lines 47-67);

accepting a first subset of the plurality for routes according to a predetermined policy (column 4, lines 53-64; column 5, lines 55-63);

modifying a second subset of the plurality of routes; and distributing the modified route ([Fig. 3, steps 128-130; 106-110; 112-114]; column 5, lines 5-15; column 4, lines 47-67).

Squire further, discloses that network devices exchange sufficient routing information to construct a graph of domain connectivity so that routing loops may be prevented...column 4, lines 9-17). However, Squire does not expressly disclose modifying the next hop information.

Salama teaches a BGP speaker advertises a route to an external peer by updating the next-hop information (0116).

It would have been obvious to one ordinary skill in the art at the time the invention was made to add a system that modify next hop information, such as that suggested by Salama, to the system of Squire in order to prevent routing loops.

Regarding claims 14 and 15, Squire discloses that if message passes through the policy filter, it is sent to the external peer, although its contents may be modified, Fig. 3, steps, 130, 114. Salama teaches a BGP speaker advertises a route to an external peer by updating the next-hop information (0116).

#### **Allowable Subject Matter**

3. Claims 1-4, 6-10, 12, 18 and 19 are allowed.
4. Claims 16 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **Response to Arguments**

5. Applicant's arguments filed 01/13/11 have been fully considered but they are not persuasive. Applicant argues (Remarks, page 7) that "Squire et al. does not disclose a virtual private network." Examiner respectfully disagrees. A) VPN has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USQO

478, 481 (CCPA 1951). B) Examiner is to give claims their broadest reasonable interpretation therefore the VPN is interpreted as domain 20, as shown in Fig.1.

On page 8, Applicant argues that “the claimed invention differs from Squire et al. reference in that a rout distinguisher is an identifier that is used to differentiate IP addresses or IPV4 prefixes of a *VPN...as explained on page 2...*” While this may be true, the claim language does not sufficiently distinguish the present invention from Squire et al. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir, 1993). Further, Applicant argues that the examiner appears to contend that the “ID”, presumably the ID of the routing information message...the ID appears to identify the message, not any route or routing information contained within the message. Examiner respectfully disagrees. Squire et al. clearly discloses that “**...each link state advertisement header has a record ID uniquely identifying the routing information....** column 4, lines 47-48”.

Still on page 8, Applicant argues that “the claimed invention differs from Squire et al. reference in that the claim invention operates according to RFC 2547bis, as mentioned in the specification page 2, lines 3-8, is not the destination *address of Squire et al.*” While this may be true, the claim language is much broader and does not require these limitations.

On page 9, Applicant argues that “the examiner’s interpretation of at least the terms “rout distinguisher” and “rout target” is inconsistent with the specification.” Again, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir, 1993).

Still on page 9, Applicant argues that Squire et al. does not disclose “accepting a first subset of a plurality of routes according to a predetermined policy.” Examiner respectfully disagrees. Squire et al. discloses that each network device maintains a database for storing the routing information. The information is also accessible according to routing destination addresses. In addition, a policy module operates to select externally received routing information for subsequent advertisement within a domain (see summary).

On page 10, applicant argues that “the reasoning supplied examiner for combining Salama et al. with Squire et al. is not logical and thus does not demonstrate why someone of ordinary skill in the art would find the claimed subject matter obvious....” Examiner respectfully disagrees. The Examiner still contends that preventing routing loops is a legitimate and convincing reason for someone in the art to combine the two elements.

Examiner believes that the claims, given their broad reasonable interpretation, read on the references applied.

### **Conclusion**

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SABA TSEGAYE whose telephone number is (571)272-3091. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached on (571) 272-3011. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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